

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 38

March 19, 1996, 2:43 p.m.
Page S-2279 Temp. Record

OMNIBUS APPROPRIATIONS/D.C. Abortion Funding

SUBJECT: **Balanced Budget Downpayment Act, II . . . H.R. 3019. Boxer/Murray amendment No. 3508 to the Hatfield modified substitute amendment No. 3466.**

ACTION: AMENDMENT REJECTED, 45-55

SYNOPSIS: As introduced, H.R. 3019, the Balanced Budget Downpayment Act, II, will make rescissions and will provide appropriations for fiscal year 1996 for the five regular appropriations bills that have not yet been signed into law (three of those bills have been vetoed, one has been stalled by a Senate Democratic filibuster on its conference report, and one has been stalled by a Senate Democratic filibuster against even beginning its consideration).

The Hatfield modified substitute amendment contains the text of S. 1594, as reported, which is the Senate's version of the bill. The amendment would increase spending by \$1.2 billion over the House-passed amount, and would create a \$4.8 billion contingency fund to accommodate part of the additional \$8 billion in spending requested by President Clinton (funds would not be released until a budget agreement between the President and Congress was enacted; President Clinton did not ask for or identify any means of paying for his increased spending proposals). As amended, the contingency fund was reduced (see vote Nos. 27 and 37).

The Boxer/Murray amendment would permit the District of Columbia Government to use local funds to pay for abortions for any reason. Further, the amendment would allow the District to use Federal funds to pay for an abortion in any case in which the pregnancy resulted from rape or incest and any in case in which the life of the mother was endangered by the pregnancy. (As drafted, the bill will only permit the District's funding of abortion, using local or Federal funds, under the rape/incest/life-of-the-mother exceptions.)

Those favoring the amendment contended:

The Federal Government already has strict limits on the use of Federal Medicaid funds to pay for abortions. However, no restrictions are placed on State and local Governments using their own funds to pay for abortions. Each jurisdiction decides its own

(See other side)

YEAS (45)			NAYS (55)			NOT VOTING (0)	
Republicans (6 or 11%)	Democrats (39 or 83%)		Republicans (47 or 89%)	Democrats (8 or 17%)		Republicans (0)	Democrats (0)
Campbell	Akaka	Kerrey	Abraham	Helms	Breaux	EXPLANATION OF ABSENCE: 1—Official Business 2—Necessarily Absent 3—Illness 4—Other SYMBOLS: AY—Announced Yea AN—Announced Nay PY—Paired Yea PN—Paired Nay	
Chafee	Baucus	Kerry	Ashcroft	Hutchison	Conrad		
Cohen	Biden	Kohl	Bennett	Inhofe	Dorgan		
Roth	Bingaman	Lautenberg	Bond	Jeffords	Exon		
Snowe	Boxer	Leahy	Brown	Kassebaum	Ford		
Specter	Bradley	Levin	Burns	Kempthorne	Heflin		
	Bryan	Lieberman	Coats	Kyl	Johnston		
	Bumpers	Mikulski	Cochran	Lott	Reid		
	Byrd	Moseley-Braun	Coverdell	Lugar			
	Daschle	Moynihan	Craig	Mack			
	Dodd	Murray	D'Amato	McCain			
	Feingold	Nunn	DeWine	McConnell			
	Feinstein	Pell	Dole	Murkowski			
	Glenn	Pryor	Domenici	Nickles			
	Graham	Robb	Faircloth	Pressler			
	Harkin	Rockefeller	Frist	Santorum			
	Hollings	Sarbanes	Gorton	Shelby			
	Inouye	Simon	Gramm	Simpson			
	Kennedy	Wellstone	Grams	Smith			
		Wyden	Grassley	Stevens			
			Gregg	Thomas			
			Hatch	Thompson			
			Hatfield	Thurmond			
				Warner			

policy for itself. This bill will change that policy for one city in America--the District of Columbia. It makes no sense to have one rule for the District and a different rule for the other 19,099 cities in America. Further, we note that many of the Senators who oppose the Boxer amendment are among those Senators who frequently talk about how we need to reduce the size and power of the Federal Government. These Senators are being inconsistent by now saying that the District has no business deciding how it will spend its own money. Many Senators oppose the right to choose, but the fact remains that it is a constitutionally protected right. If any city or State decides that it wants to pay for abortions, the Federal Government should not interfere. Therefore, the Boxer amendment should be adopted.

Those opposing the amendment contended:

Senators who are perplexed as to the difference between the District of Columbia and other cities in America should read the Constitution. Article I, section 8, gives Congress exclusive legislative responsibility for the District. Public law 931-98, the home rule law, is only consistent with this constitutional mandate because it charges Congress with the responsibility for the appropriation of all funds for our Nation's Capital. Members have a sworn duty to uphold the Constitution, and the Constitution gives them responsibility for approving or disapproving every item in the District's budget, whether paid for with Federal funds or locally raised funds. Some Senators may disagree with the Constitution; they may wish to make the District a State. Most Americans oppose D.C. statehood, but our colleagues are free to try to change their minds. Until such time as the constitutional status of the District changes, however, we will not shirk our responsibility to oversee the District of Columbia's budget.

In approving its budget, we are not about to endorse using Federal funds to pay for abortion-on-demand, which is exactly the policy that would be advanced by the Boxer amendment. The distinction drawn by the amendment between Federal and local funds is meaningless because money is fungible--any Federal funds that are given and spent on other purposes just free up more funds for the District to spend on abortions. The distinction is made even smaller in this case because the District is broke--it has spent its money, and needs Federal funds to avoid declaring bankruptcy. No portion of any funds that are given should be used to pay for abortion-on-demand.

We, like most Americans, strongly oppose public funding of abortions except in extreme circumstances. We further recognize that is our constitutional duty as Members to determine the District's budget. In exercising that duty, we will not vote in favor of allowing the District to pay for abortion-on-demand. We therefore urge the rejection of the Boxer amendment.